

CITY COUNCIL, CITY OF LODI
CITY HALL COUNCIL CHAMBERS
JUNE 17, 1964

A regular meeting of the City Council of the City of Lodi was held beginning at 8:00 p.m. of Wednesday, June 17, 1964 in the City Hall Council Chambers.

ROLL CALL PRESENT: Councilmen - DOW, CULBERTSON, WALTON and BROWN(Mayor)

ABSENT: Councilmen - KIRSTEN

Also present were City Manager Graves, Administrative Assistant Peterson, City Attorney Mullen and Planning Director Rodgers (arrived at 8:15).

MINUTES Minutes of June 3, 1964, were approved as written and mailed on motion of Councilman Dow, Walton second.

PUBLIC HEARINGS

ANNEX
OWENS ADDN.

RES. NO. 2736
ADOPTED

Notice thereof having been published in accordance with law, Mayor Brown called for hearing on the proposal to annex the Owens Addition. Mr. Graves read the recommendation of the Planning Commission favoring annexation of the property and stating that City utilities are available except for storm drainage which will be available upon completion of the drainage pond immediately south of Cardinal Street. Mr. Graves said the City would be unable to guarantee drainage for the coming winter, but that the elementary school which is being built in the northeast corner of this addition will be able to provide for some drainage on its grounds. There were no protests, written or oral. The Council then adopted Resolution No. 2736 annexing the Owens Addition to the City of Lodi on motion of Councilman Culbertson, Dow second, by unanimous vote.

REZONE N/S OF
KETTLEMAN BTW
FAIRMONT &
HAM TO R-3

ORD. NO. 763
INTRODUCED

Notice thereof having been published in accordance with law, Mayor Brown opened the hearing on the proposal to rezone the Keszler property on the north side of Kettleman Lane between Ham Lane and Fairmont Avenue from the R-1 one-family residential zone to the R-3 limited multiple-family residential zone. The Planning Commission recommended the rezoning for the following reasons:

1. The R-3 zoning will permit a reasonable use of this parcel for apartment or institutional development along this major street highway.
2. The rezoning will have no adverse effect on nearby properties since it is somewhat removed from existing and proposed one-family developments.

There were no protests to the rezoning, written or oral. On motion of Councilman Walton, Dow second, the Council introduced Ordinance No. 763 rezoning the property on the north side of Kettleman Lane between Fairmont and Ham Lane to R-3 by unanimous vote.

REZONE
510 MURRAY ST.
TO C-1

ORD. NO. 764
INTRODUCED

Notice thereof having been published in accordance with law, Mayor Brown opened the hearing on the proposal to rezone the Fowler property located at 510 Murray Street from the R-4 multiple-family residential zone to the C-1 neighborhood-commercial zone. Mr. Graves read the report from the Planning Commission which recommended the rezoning as being a reasonable

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extension of the existing commercial zoning along Cherokee Lane to a depth previously established for commercial zoning on the other side of Murray Street. Although the property is adjacent to a one-family development to the west, it was felt that the commercial development of the property for office or retail businesses would be more feasible than development as an isolated apartment project. Mr. Jack Brown, 438 Murray Street, said that he had not received a notice of the public hearing (before the Planning Commission) and he objected to the rezoning, stating that the property should remain as a buffer zone between the residences on the west and the commercial area to the east. Planning Director Rodgers arrived and, on being questioned, explained that Mr. Brown did not receive a notice of the public hearing because his property was not within the 300 feet surrounding the area requiring notice. There were no other protests, written or oral. Stating that the rezoning would complete the north-south line of the commercial area, Councilman Culbertson moved the introduction of Ordinance No. 764 rezoning the property at 510 Murray Street to C-1. The motion was seconded by Councilman Walton and carried unanimously.

JUNK YARD
AMENDMENT TO
CITY CODE

Notice thereof having been published in accordance with law, the Mayor called for hearing on the proposal to amend the City Code to require a public hearing and approval of a use permit for the establishment of any junk yard, auto wrecking yard or salvage operation. Mr. Graves read the memorandum from the Planning Commission which stated that the purpose of the use permit requirement would be to evaluate the proposed location of such uses with regard to nearby existing and anticipated development and to establish those conditions under which the use may be conducted in a specific location. These conditions could include the construction of a solid fence, wall or landscaping screen, prohibition of burning and other detrimental types of operations, and the provision of off-street parking areas. There was no one in the audience for or against the proposal. The Council discussed the proposal at length. Councilman Culbertson remarked there were other industries worse than existing junk yards and he felt the Planning Commission should make a study of this situation. In Councilman Walton's opinion the use permit requirement would outlaw junk yards; private property should only be restricted if there is a valid public reason for doing so. Councilman Dow considered that it was not best to utilize use permits to control junk yards, but rather a specific ordinance should be adopted spelling out regulations so that a person would be given a better idea of what would be expected. He felt the Planning Commission and Council should not be in a position to judge each time whether or not a permit should be granted. Planning Director Rodgers said that specific regulations could result in conflict with certain uses in an industrial zone. He said many cities have worked for years developing ordinances on noise, dust, appearance, etc. Every town has to judge for itself. City Manager Graves pointed out that use permits for some 30 occupations are required by the City Code. Councilman Culbertson said that the use permit provision would not mean prohibiting junk yards, that the Council should have some faith in the integrity of the Planning Commission, and all use permits should

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not be outlawed. Councilman Culbertson then moved the introduction of Ordinance No. 765 amending the City Code by providing for the issuance of a use permit for all junk or salvage yards. The motion was seconded by Mayor Brown and failed to pass by the following vote:

AYES: Councilmen - CULBERTSON and BROWN

NOES: Councilmen - DOW and WALTON

ABSENT: Councilmen - KIRSTEN

WISNER
TRACT

Mr. James Taylor, Willow Road, which is south of the WID Canal and outside the City limits, asked if consideration had been given to his request for sanitary sewer service. He and several other residents in the area have been having trouble with their septic tanks and would like to receive City service. Annexation of the area had been discussed by the Council and the property owners at the time the Council had granted some of the owners temporary water service. These property owners had agreed not to oppose annexation, but there was the problem of bringing the area up to city standards, and the feasibility of forming an assessment district had been mentioned at that time. Mr. Graves said that in order to give the property owners some idea of the cost of providing the improvements required by the City, the Public Works Department had prepared an estimate of costs, as follows:

Street improvements	\$26,750
Lights	5,950
Storm drainage	7,070
Sanitary sewers	8,790
Water	9,120
	<u>\$57,680</u>

He said the property was 9.3 acres in size and consisted of 23 parcels with a total frontage of 1902.5 feet. Mr. Taylor said there were six families who were only interested in getting sanitary sewer service at this time. He felt the balance of the improvements could be taken care of later. Mr. Graves reviewed past consideration given to the area when the Council had granted a number of owners water service on a temporary basis on the condition that they would not oppose annexation and were willing to bring their property up to City standards. Councilman Culbertson said the sewer problem was not as serious as the water problem and the City should not start the practice of serving properties outside the City which, among other things, would be unfair to City taxpayers. Mr. Ed Wisner, Route 3, Box 58-C, felt they were not imposing on the City as they would pay for what they got and were willing to annex to the City. City Attorney Mullen suggested that a representative of a bonding firm meet with the property owners to explain the formation of an assessment district with bond financing. He said the City would be willing to help by arranging for such a meeting, but the initiative should come from the people. Mr. Wisner indicated he was interested in meeting with bonding company representatives.

SHELL OIL CO.
SIGN

Mr. Lindsay P. Marshall, attorney representing the Shell Oil Company, asked that reconsideration be given to the Company's request for a permit to erect a

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73-foot sign at Victor Road and the Frontage Road. The request had been rejected by the Council by a tie vote at the meeting of May 27. In his letter asking for reconsideration, Mr. Marshall had requested a hearing before the full Council, but was willing to have the matter reconsidered at this time since Councilman Walton, who had been absent on May 27, was present. On motion of Councilman Dow, Walton second, the Council agreed to reconsider the request. Mr. Marshall repeated his appeal that the permit be granted since application had been made before the Council had adopted its emergency ordinance on signs. City Manager Graves responded that heretofore the City had been going under the assumption that sign heights were controlled by the zoning ordinance. When he found out this was not the case, he had issued the order to hold up the permit pending a study by the Planning Commission. At the time it was brought to the attention of the Council, the Council did not revoke his order, but on the contrary at a subsequent meeting had adopted the emergency ordinance which he understood was to be a stop gap to prevent any signs above 60 feet until the Planning Commission had made its study and recommendation. Mr. Graves was of the opinion that if the Council wished to permit the sign, the ordinance should be repealed. Councilman Dow said the Shell application had brought to light the lack of regulation regarding height limitations, but at the time of application there were no such prohibitions. He did not consider the sign undesirable and said the permit should have been issued. Mr. Graves remarked that the emergency ordinance was to prevent the erection of this sign since there were no other applications. Councilman Culbertson stated that if the Building Department had followed through on existing laws at the time application was made, the permit would have been issued. He said the Council could not pass an ordinance on one sign and the 60-foot limitation was an arbitrary height. Councilman Culbertson then moved that the permit be considered as applied for in February, at which time there were no regulations on sign heights, and that the Building Department be instructed to issue a permit for said sign. The motion was seconded by Councilman Dow, and carried by the following vote:

AYES: Councilmen - CULBERTSON, DOW and WALTON

NOES: Councilmen - BROWN

ABSENT: Councilmen - KIRSTEN

PLANNING COMMISSION

W. LOCKEFORD
REZONING
TO C-1

The Planning Commission recommended the rezoning of property along the south side of Lockeford Street between Pleasant Avenue and Hutchins Street from the R-4 multiple-family residential zone to the C-1 neighborhood commercial zone. The proposal was set for public hearing on July 1, 1964, on motion of Councilman Culbertson, Dow second.

RECREATION
ZONING

Councilman Walton suggested that the zoning ordinance might be amended in relation to recreation areas. He was thinking primarily of areas along the river. He recommended that the Planning Commission find out what other cities are doing in this regard and that it make a study of possible recreation zoning with a view

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toward preserving both public and private areas for recreation. Councilman Dow moved that the Planning Commission be directed to make a study of recreation zoning. The motion was seconded by Councilman Walton and carried unanimously.

COMMUNICATIONS

RAW MILK A letter was read from the San Joaquin County Medical Society favoring the prohibition of the sale of raw milk in San Joaquin County. On motion of Councilman Culbertson, Walton second, the letter was ordered tabled.

REPORTS OF THE CITY MANAGER

CLAIMS Claims in the amount of \$75,683.40 were approved on motion of Councilman Dow, Culbertson second.

AWARD -
PAINTING Only one bid was received for the painting of various offices in City Hall, being from J. L. Winchester in the amount of \$390.00 which is within the estimate for the work. On motion of Councilman Dow, Walton second, the City Council adopted Resolution No. 2737 awarding the contract for painting in City Hall to J. L. Winchester.

RES. NO. 2737
ADOPTED

AWARD -
WELL NO. 13 The following bids were received for the development of Well #13:

RES. NO. 2738 ADOPTED	Western Well Drilling Co.	\$8,863.00
	Wayne Well Drilling Co.	8,232.00
	Ace Pump Works	8,203.00
	Valley Water Well Drilling	7,759.78
	Otto Gross	6,985.98

Mr. Graves read a letter from Valley Water Well Drilling & Pump Company asking the Council to consider their bid because the specifications called for 10-gauge casing, but they were informed they could bid 8-gauge casing which they did; their organization drills wells throughout Central California; the City would be named an additional insured under their insurance policy; and they have the staff to keep complete and accurate records. Mr. Graves said that Mr. Gross' bid met the specifications and he recommended that award be made to the low bidder. Councilman Culbertson moved the adoption of Resolution No. 2738 awarding the contract for Well #13 to Otto Gross for a total of \$6,985.98. The motion was seconded by Councilman Walton and carried.

STADIUM
LIGHTS In regard to 15-foot candle as compared to 20-foot candle seal beam lights for the stadium, Mr. Graves explained that a letter from Cleco Commercial Lighting Equipment stated that by reducing the lights to 15-foot candle insufficient lighting would result since to cover the field requires a certain number of individual units to guard against light intensity variations. This is because the beam width of each unit must be quite narrow in order to keep most of the light on the field. Mr. Graves recommended that the seal beam system be used instead of the conventional incandescent system the City has at present, since the seal beam uses less power, the bulbs have a much longer life so there would be less replacement necessary, the drop off in efficiency is much less,

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and the reflector is built into the bulb which means there is not the deterioration in reflectors as is the case with the present system. On motion of Councilman Culbertson, Dow second, the Council approved 20-foot candle seal beam lights for the Stadium.

POPULATION
ESTIMATE

Mr. Graves reported that a notice had been received from the State Department of Finance that their estimate of Lodi's population as of April 1, 1964 was 26,800.

SPECS -
REGULATOR

On motion of Councilman Culbertson, Dow second, the City Council approved specifications for a regulator and authorized calling for bids thereon.

STATE HIGHWAY
MAINTENANCE
RES. NO. 2739
ADOPTED

On motion of Councilman Walton, Dow second, the City Council adopted Resolution No. 2739 approving the revised agreement for maintenance of State highways within the City.

MALL POWER
SERVICE

City Manager Graves stated that the estimate for providing underground electric service for the Mall was \$27,864.00. He said the property owners had agreed to provide a 250-square-foot vault in the basement of the Hotel Lodi for the transformers in exchange for a complete hookup. Mr. Graves recommended that to maintain City policy, the City should pay for the vault easement and the property owners should pay for the hookup of service. With the understanding that the service extension cost would be the same as the cost of obtaining the easement for the vault, it was moved by Councilman Dow that the underground conduit for the mall be authorized from the Utility Outlay Reserve Fund, with the stipulation that the City purchase the easement for the vault and the property owners pay for their service hookup. The motion was seconded by Councilman Walton and carried, with Councilman Culbertson abstaining because of his work for the owners on the Mall.

1964-65 BUDGET

CHAMBER OF
COMMERCE

The Council then proceeded with study of the 1964-65 budget, commencing with the special payments in the Clerk-Council budget. Mr. Jack Hoggatt spoke in behalf of the Chamber of Commerce request for \$7,000 which was the same amount as the previous year. He said a detailed account of how the 63-64 money had been spent would be submitted to the Council at the end of the fiscal year. Councilman Walton said approval of the request should be held up until it was known how the money was spent. He felt it should not be used for everyday activities. Councilman Culbertson moved that \$7,000 be approved in the 1964-65 budget for the Chamber of Commerce. The motion was seconded by Councilman Dow and carried by the following vote:

AYES: Councilmen - CULBERTSON, DOW, and BROWN

NOES: Councilmen - WALTON

ABSENT: Councilmen - KIRSTEN

SJ COUNTY
SAFETY
COUNCIL

Mr. Loren Powell, 203 West Monterey, Stockton, introduced the new secretary-manager of the San Joaquin County Safety Council, Mr. Kenneth Hultgren. Mr. Powell said the Safety Council was again requesting \$1,000 from the City of Lodi. In view of the fact

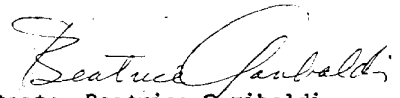
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the \$1,000 was used for administration and material for the safety program and that a great deal was done by volunteer work, Councilman Culbertson moved that \$1,000 be appropriated for the San Joaquin County Safety Council. The motion was seconded by Councilman Walton and carried.

LIBRARY

Mr. Robert Bainbridge, President of the Library Board of Trustees, spoke to the Council concerning the Library Budget which the Board is requesting be increased by \$10,820. Of this amount \$3,345 is for salary increases, \$2,850 for books, \$3,000 for replacing the floor covering, and \$600 for a card catalog cabinet. He said the Library would have a present year-end balance of \$4,400, but with the present tax rate, by the end of 1964-65 there would be only a balance of \$595 and that would be providing there were no salary increases. After expressing some concern as to whether the present tax rate would be sufficient, Councilman Culbertson moved that the budget proposed by the Library Board be accepted. The motion was seconded by Councilman Dow and carried.

It being 11 p.m. the Council adjourned to June 24, 1964.


Attest: Beatrice Garibaldi
City Clerk